

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America

v.

Case No. 2:17-cr-243

John Charles Fortner

ORDER

The government has moved to correct a scrivener's error contained in Count Two of the indictment. The government indicates that this count includes the language "felony offense involving a minor as alleged in Count One of this Information" which should read "Count One of this Indictment." Defendant has not opposed the motion.

Although the general rule is that an indictment may only be amended by a grand jury, the court may authorize an amendment when "the change is merely a matter of form." Russell v. United States, 369 U.S. 749, 770 (1962). Changes of form include corrections of clerical or typographical errors. See United States v. Rosenbaum, 628 F. App'x 923, 929-30 (6th Cir. 2015); Short v. United States, 471 F.3d 686, 693 (6th Cir. 2006); United States v. Lake, 985 F.2d 265, 271 (6th Cir. 1993). The error in this case is clerical in nature, and the proposed amendment would not impact the nature of the offense charged or deprive the defendant of adequate notice of the charge against him.

The motion (Doc. 24) is granted. The indictment is hereby amended to substitute the word "Indictment" for the word "Information" in Count Two of the indictment.

It is so ordered.

Date: May 18, 2018

s/James L. Graham
James L. Graham
United States District Judge